

Under present court rulings, liability of government employees for infringement of copyright appears to be an individual liability and not one for which the government may be sued under the Tort Claims Act or otherwise. This is true, even though the material taken was for official use and on the order of a superior. (This is contrary to the situation existing in the field of patents). In past years we have discussed this problem with various components within the Agency, both in connection with the reproduction of copyright material for Agency use, and the taking of copyright material for use in clandestine operations where government interest or use cannot be shown, and the permission of the copyright owner cannot be requested. The attached bill has now been introduced in Congress, and while no action on it is expected at this session, I would appreciate having an early expression of your views on this matter so that we may consider the advisability of establishing an Agency position which could be communicated to the Bureau of the Budget with a request for Administration support of this or similar legislation.

DDI: I have sent a copy of this bill to AD/OO as Mr. Carey has, in the past, discussed with us the very real problem in this field which he has in connection with [REDACTED] STATSPEC

DDS: This bill will be of particular interest to the Reproduction people, as well as to Office of Training which makes heavy use of copyrighted material.